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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 RICHARD FRED DITTMER, II,
12 Defendant.

2:18-CR-302-JAD-NJK
Preliminary Order of Forfeiture

13 This Court finds Richard Fred Dittmer, II, pled guilty to Count One of a Six-Count
14 Superseding Criminal Indictment charging him with receipt of child pornography, in
15 violation of 18 U.S.C. § 2252A(a)(2). Superseding Criminal Indictment ECF No. 35;
16 Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

17 This Court finds Richard Fred Dittmer, II agreed to the forfeiture of the property set
18 forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the
19 Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 35; Bill of
20 Particulars, ECF No. 57; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United
22 States of America has shown the requisite nexus between property set forth in the Plea
23 Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Superseding
24 Criminal Indictment and the offense to which Richard Fred Dittmer, II, pled guilty.

25 The following property is (1) any visual depiction described in 18 U. S. C. § 2252A,
26 or any book, magazine, periodical, film, videotape, or other matter which contains any such
27 visual depiction, which was produced, transported, mailed, shipped or received in violation
28 of 18 U.S.C. § 2252A(a)(2) or (2) any property, real or personal, used or intended to be used

1 to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2) or any property
2 traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1)
3 and (a)(3).

- 4 1. Toshiba Laptop Computer, serial number 58057841Q;
- 5 2. ACER Laptop Computer, serial number LXPY902035041047422000;
- 6 3. Compaq Tower Computer, serial number MXK43808DL;
- 7 4. Dell Tower Computer, serial number 5ZJLQ41;
- 8 5. 1 GB Lexar Memory Stick; and
- 9 6. Samsung Cellular Phone, serial number R21C83WBASX

10 (all of which constitutes property).

11 This Court finds that on the government's motion, the Court may at any time enter
12 an order of forfeiture or amend an existing order of forfeiture to include subsequently
13 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
14 32.2(b)(2)(C).

15 This Court finds the United States of America is now entitled to, and should, reduce
16 the aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
18 DECREED that the United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
20 rights, ownership rights, and all rights, titles, and interests of Richard Fred Dittmer, II, in
21 the aforementioned property are forfeited and are vested in the United States of America
22 and shall be safely held by the United States of America until further order of the Court.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
24 of America shall publish for at least thirty (30) consecutive days on the official internet
25 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
26 describe the forfeited property, state the time under the applicable statute when a petition
27 contesting the forfeiture must be filed, and state the name and contact information for the
28 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)

1 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
2 the government may instead serve every person reasonably identified as a potential claimant
3 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
4 Rule G(4)(a)(i)(A).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
6 or entity who claims an interest in the aforementioned property must file a petition for a
7 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
8 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
9 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
10 right, title, or interest in the forfeited property and any additional facts supporting the
11 petitioner's petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
13 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
14 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
15 not sent, no later than sixty (60) days after the first day of the publication on the official
16 internet government forfeiture site, www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
18 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
19 Attorney's Office at the following address at the time of filing:

20 Daniel D. Hollingsworth
21 Assistant United States Attorney
22 James A. Blum
23 Assistant United States Attorney
24 501 Las Vegas Boulevard South, Suite 1100
25 Las Vegas, Nevada 89101.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
27 described herein need not be published in the event a Declaration of Forfeiture is issued by
28 the appropriate agency following publication of notice of seizure and intent to
administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED: February 1, 2021.

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6 JENNIFER A. DORSEY
7 UNITED STATES DISTRICT JUDGE
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